

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON RICH,
Plaintiff,

v.

EDWARD BUTOWSKY, et al.,
Defendants.

Case No. 20-mc-80081-DMR

**ORDER TO FILE DECLARATION
PURSUANT TO CIVIL LOCAL RULE
79-5(E)**

Re: Dkt. No. 8

This miscellaneous action relates to litigation pending in the District Court for the District of Columbia, *Rich v. Bukowski et al.*, Case No. 18-cv-681-RJL (D.D.C.). The plaintiff in that case, Aaron Rich, issued a subpoena to non-party Twitter, Inc. (“Twitter”). Twitter now moves to quash the subpoena. [Docket No. 1.] Rich opposed. [Docket No. 9.] As part of his opposition, Rich filed an administrative motion to file certain supporting documents under seal. [Docket No. 8.] The sole basis for the motion to seal is that a defendant in the D.C. action, Edward Butowsky, designated the documents as “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the D.C. parties’ protective order. Rich takes no position on whether the documents at issue are properly designated or should be kept under seal in this case. [Docket No. 11 at 1.]

Civil Local Rule 79-5(e) governs requests to seal where the sole basis for sealing is that the documents at issue were designated as confidential by the opposing party or a non-party pursuant to a protective order. Under the Local Rules, the designating party must file a declaration establishing that all of the designated material is sealable. Civil L. R. 79-5(e)(1). The designating party in this matter is Butowsky, and therefore Butowsky must show that the designated material should be kept under seal. Accordingly, by **June 8, 2020**, Butowsky shall file a declaration in compliance with Local Rule 79-5(e)(1) establishing that the documents at issue are sealable. Failure to file a timely declaration may result in the documents being filed on the public docket.

1 Because Butowsky has not appeared in this action, Rich is ordered to immediately serve a
2 copy of this order on Butowsky and file a proof of service with the court.

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5 **IT IS SO ORDERED.**

6 Dated: June 5, 2020

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8 Donna M. Ryu
9 United States Magistrate Judge
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